



B/1F ✓ \$  
Agent's Docket N. 40379/DOB/st

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Applicant: Fabio Biscarini *et al.* )  
Ser. No.: 10/537,158 ) Group Art Unit: 1762  
Filed: May 31, 2005 ) Examiner: Burkhat, Elizabeth A  
For: Process for obtaining spatially- )  
organised nanostructures on thin films)

Commissioner for Patents

Mail Stop Issue Fee

P.O. Box 1450

Alexandria, VA 22313-1450 USA

**PETITION TO THE DIRECTOR, TO WITHDRAW HOLDING OF ABBANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION [MPEP 711.03(c) A]**

Sir:

Receipt is hereby acknowledged of the Notice of Abandonment mailed January 25, 2008 which purports that the application has been abandoned owing to applicant's failure to timely file a proper reply to an Office Letter mailed October 24, 2007.

Applicant, through his duly appointed agent of record, the undersigned, respectfully requests reconsideration of the holding of abandonment in view of the fact, that the above identified Office Letter **was never received by the office of the agent of record**, as shown below.

Enclosed as **EXHIBIT B** is a declaration in lieu of oath of Mrs Myriam Canonne, hereinafter simply Mrs Canonne, as identified in the declaration, showing that Mrs Canonne became aware only from the above identified Notice of Abandonment that the mentioned Notice to file corrected drawings mailed October 24, 2007 was not received and showing in the Exhibit A that Mrs Canonne obtained from the on-line database with the USPTO on February 7, 2008 a copy of the said *Notice To File Corrected Application Papers* mailed October 24, 2007. Note that the date of February 7, 2008 appears on the right side bottom corner of the pages of Exhibit A and is written according to the European standards, indicating first the day and afterwards the month and the year. The above action of Mrs Canonne indicates that the missing *Notice To File Corrected Application Papers* mailed October 24, 2007 was not received by the agent's of record firm, since otherwise it would not have been necessary for Mr. Canonne to obtain an on-line copy of such Notice.

Moreover, enclosed as **EXHIBIT C** is a copy of the December 24, 2007 page of the calendered note book of Mrs. Canonne, where the time limits of specific patent application prosecution dockets are indicated for which the agent of record actions were due on December 24, 2007, calendered note book mentioned in point 2) of Exhibit B.

As it appears from Exhibit C no time limit of December 24, 2007 is indicated therein for the

docket of the present case, so that it is legitimate to conclude that the missing Office Letter mailed October 24, 2007 never reached the agent's of record Office.

Moreover, enclosed as **EXHIBIT D** is a copy of the December 24, 2007 page of the calendered note book of the head of the general office, Mrs Sara Modiano, where all time limits of the general office of the agent's of record firm are indicated, including the specific patent application prosecution dockets.

As it appears from Exhibit D, no time limit of December 24, 2007 is indicated therein for the docket of the present case, so that it is legitimate to conclude that the missing Office Letter mailed October 24, 2007 never reached the agent's of record Office.

Moreover, enclosed as **EXHIBIT E** is a copy of a journalistic public information sheet in Italian language, with a partial translation in English thereof, from which it appears that in Italy, in general and in particular in the October-November 2007 time period, frequent disruption of mail delivery occurred so that it is reasonable to assume that also the Office Letter mailed October 24, 2007 went astray in the mail.

In view of the foregoing applicant is confident that the present petition may be granted and concurrently submits a response to the Office Letter mailed October 24, 2007.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted



Daniel J. O'Byrne (Reg. No. 36,625)

Agent for the Applicant

Date: March 19, 2008  
Address: Via Meravigli 16, 20123 MILAN-ITALY  
Telephone: (from USA) (011)(39)(02) 8590-7777  
Telefax: (from USA) (011)(39)(02) 863-860

Encl.: **EXHIBITS A, B, C, D and E**  
**Reply to the O.A. Mailed October 24, 2007**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Applicant: Fabio Biscarini *et al.* )  
Ser. No.: 10/537,158 ) Group Art Unit: 1762  
Filed: May 31, 2005 ) Examiner: Burkhat, Elizabeth A  
For: Process for obtaining spatially- )  
organised nanostructures on thin films)

Commissioner for Patents

Mail Stop Issue Fee

P.O. Box 1450

Alexandria, VA 22313-1450 USA

Sir,

With reference to the concurrently filed **MPEP 711.03(c) A** Petition for the withdrawal of holding of abandonment indicated in the Notice of Abandonment mailed January 25, 2008, in response to the Notice to file corrected application papers dated October 24, 2007, Applicant submits a

**Petition under 37 CFR 1.84 (a)(2)**

The Applicant hereby requests that color drawings be the formal drawings for the application.

The color drawings are necessary since to illustrate the subject matter of the present patent application visive effects that cannot be properly illustrated by black and white drawings are needed.

- (i) The fee set forth in § 1.17(h) for filing a petition under 37 CFR 1.84 for accepting color drawings or photographs is paid. Please charge the **deposit account number 13-3860** of applicant's agent of record, in the amount of **US\$ 130.00 (fee code 1464)** to cover the cost of the fee. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.
- (ii) Three sets of color drawings, including Figures 1-7 duly labeled as "replacement Sheet" are enclosed.
- (iii) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawings is enclosed.
- (iv) An amendment to the specification is submitted.

**Remarks**

It is noted that the application has been accorded an Allowance date and is being prepared for issuance. However, correction of drawing deficiencies is requested to comply with 37 CFR 1.84(a) requirements regarding color drawings.

The applicant desires that the color drawings be the formal drawings for the application and submits a petition under 37 CFR 1.84 (a) (2) for accepting the color drawings. The color drawings are necessary in the present application since the drawings that illustrate the subject matter of the present patent application presents visive effects that cannot be properly illustrated by black and white drawings.

Moreover, the requirements under §1.84(a)(2) (i)-(iv) are fulfilled as shown above. Grant of this petition and acceptance of the color drawings as formal drawings are respectfully requested.

In addition, it should be noted that the color drawings now submitted are marked as "Replacement sheet" and are the same color drawings that were filed as the drawings of the original application. No new matter is introduced and the requirements of 35 U.S.C. 132 and 37 CFR 1.121 are fulfilled.

Finally, as requested in the Notice, the Applicant hereby returns a copy of the Notice to file corrected application papers.

In view of the foregoing, favorable action on the merits, including entry and approval of all color drawings as the formal drawings of the present application, is respectfully solicited.

Respectfully submitted,



Daniel J. O'Byrne (Reg. No. 36,625)  
Agent for the Applicant

Date: March 19, 2008  
Address: Via Meravigli 16, 20123 MILAN-ITALY  
Telephone: (from USA) (011)(39)(02) 8590-7777  
Telefax: (from USA) (011)(39)(02) 863-860

Encl.: - Three set of color drawings including Figures 1-7, duly labeled "Replacement Sheet", a black and white photocopy thereof;  
- Copy of the Notice to file corrected application papers.

Please amend the above-identified application as follows:

A new paragraph is inserted as the first paragraph of the brief description of the drawings.

**Specification Amendments**

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Serial No. : 10537158  
Applicant : Biscarini  
Filing Date : 5/31/05  
Date Mailed : 10/24/07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

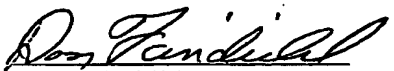
### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 2 months from the date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

  
Don Fairchild  
Office of Data Management  
Phone: 703-308-9250, ext. 126

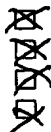
COPY



Application No. 10537158 Drawings filed 5/31/05

### IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- ☐ An ink stamp or the image thereof obscures part of the illustration. FIG(s) \_\_\_\_\_
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks (for example, speckles or dots in a substantial portion of the drawing). FIG(s) \_\_\_\_\_
- ☐ Figure numbers are duplicated or missing. FIG(s) \_\_\_\_\_
- ☐ Drawing sheet or figure is missing. FIG(s) \_\_\_\_\_
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out or are illegibly handwritten. FIG(s) \_\_\_\_\_
- ☐ The character of the lines, numbers, and letters is poor. FIG(s) \_\_\_\_\_
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- ☐ Data, a reference number, or part of the drawing is truncated or missing, or a lead line has no reference number. FIG(s) \_\_\_\_\_
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) \_\_\_\_\_
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- ☒ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met\*:



Petition explaining why color drawings are necessary  
Petition fee  
Three (3) sets of color drawings  
Color drawing paragraph in specification

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: Figs. 3 & 7 are in color,

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Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Foreign Priority	Published Documents	Address & Attorney/Agent
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**Available Documents**

Mail Room Date	Document Description	Page Count	Select All	Start Download	Clear All
01-25-2008	<a href="#">Abandonment</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
11-19-2007	<a href="#">Issue Fee Payment (PTO-85B)</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
11-02-2007	<a href="#">List of references cited by examiner</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
10-24-2007	<a href="#">Miscellaneous Action with SSP</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Notice of Allowance and Fees Due (PTOL-85)</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Notice of Allowance and Fees Due (PTOL-85)</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Bibliographic Data Sheet</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Issue Information including classification, examiner, name, claim, renumbering, etc.</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Index of Claims</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	
08-30-2007	<a href="#">Search information including classification, databases and other search related notes</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
08-27-2007	<a href="#">Examiner's search strategy and results</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
08-13-2007	<a href="#">Request for Continued Examination (RCE)</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	
08-13-2007	<a href="#">Amendment Submitted/Entered with Filing of CPA/RCE</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	

EXHIBIT A



08-13-2007	<u>Claims</u>	3	<input type="checkbox"/>
08-13-2007	<u>Applicant Arguments/Remarks Made in an Amendment</u>	2	<input type="checkbox"/>
08-13-2007	<u>Oath or Declaration filed</u>	12	<input type="checkbox"/>
08-13-2007	<u>Claims</u>	2	<input type="checkbox"/>
08-13-2007	<u>Abstract</u>	2	<input type="checkbox"/>
08-13-2007	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
03-20-2007	<u>Final Rejection</u>	9	<input type="checkbox"/>
03-20-2007	<u>Index of Claims</u>	2	<input type="checkbox"/>
03-20-2007	<u>Search information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
03-20-2007	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
03-15-2007	<u>Examiner's search strategy and results</u>	2	<input type="checkbox"/>
03-05-2007	<u>Amendment - After Non-Final Rejection</u>	1	<input type="checkbox"/>
03-05-2007	<u>Specification</u>	1	<input type="checkbox"/>
03-05-2007	<u>Claims</u>	3	<input type="checkbox"/>
03-05-2007	<u>Applicant Arguments/Remarks Made in an Amendment</u>	3	<input type="checkbox"/>
03-05-2007	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
12-05-2006	<u>Non-Final Rejection</u>	13	<input type="checkbox"/>
12-05-2006	<u>List of References cited by applicant and considered by examiner</u>	1	<input type="checkbox"/>
12-05-2006	<u>List of references cited by examiner</u>	1	<input type="checkbox"/>
12-05-2006	<u>NPL Documents</u>	1	<input type="checkbox"/>
12-05-2006	<u>NPL Documents</u>	5	<input type="checkbox"/>
12-05-2006	<u>NPL Documents</u>	23	<input type="checkbox"/>
12-05-2006	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
12-05-2006	<u>Index of Claims</u>	1	<input type="checkbox"/>
12-05-2006	<u>Search information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
11-30-2006	<u>Examiner's search strategy and results</u>	7	<input type="checkbox"/>
10-03-2005	<u>Notice of DO/EO Acceptance Mailed</u>	2	<input type="checkbox"/>
05-31-2005	<u>Transmittal of New Application</u>	4	<input type="checkbox"/>

05-31-2005	<u>Authorization for Extension of Time all replies</u>	4	<input type="checkbox"/>
05-31-2005	<u>Specification</u>	19	<input type="checkbox"/>
05-31-2005	<u>Claims</u>	2	<input type="checkbox"/>
05-31-2005	<u>Abstract</u>	1	<input type="checkbox"/>
05-31-2005	<u>Drawings-only black and white line drawings</u>	7	<input type="checkbox"/>
05-31-2005	<u>Oath or Declaration filed</u>	5	<input type="checkbox"/>
05-31-2005	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
05-31-2005	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
05-31-2005	<u>Preliminary Amendment</u>	1	<input type="checkbox"/>
05-31-2005	<u>Claims</u>	2	<input type="checkbox"/>
05-31-2005	<u>Abstract</u>	1	<input type="checkbox"/>
05-31-2005	<u>Information Disclosure Statement (IDS) Filed</u>	2	<input type="checkbox"/>
05-31-2005	<u>NPL Documents</u>	6	<input type="checkbox"/>
05-31-2005	<u>Certified Copy of Foreign Priority Application</u>	32	<input type="checkbox"/>
05-31-2005	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
05-31-2005	<u>Miscellaneous Internal Document</u>	1	<input type="checkbox"/>
05-31-2005	<u>Artifact sheet indicating an item has been filed which cannot be scanned</u>	1	<input type="checkbox"/>
05-31-2005	<u>Documents submitted with 371 Applications</u>	1	<input type="checkbox"/>
05-31-2005	<u>Documents submitted with 371 Applications</u>	1	<input type="checkbox"/>
05-31-2005	<u>Documents submitted with 371 Applications</u>	6	<input type="checkbox"/>
05-31-2005	<u>Documents submitted with 371 Applications</u>	31	<input type="checkbox"/>
05-31-2005	<u>Documents submitted with 371 Applications</u>	33	<input type="checkbox"/>
05-31-2005	<u>NPL Documents</u>	6	<input type="checkbox"/>
05-31-2005	<u>NPL Documents</u>	20	<input type="checkbox"/>
05-31-2005	<u>NPL Documents</u>	12	<input type="checkbox"/>

05-31-2005

[Fee Worksheet \(PTO-06\)](#)

1



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## DECLARATION

In re application of:

Applicant: Fabio Biscarini *et al.*

Ser. No.: 10/537,158

Filed: May 31, 2005

For: Process for obtaining spatially-organised nanostructures on thin films

I the undersigned Myriam Canonne, residing in Monza, Via Isonzo 24, Italy, herewith declare that:

I am 30 years old and have a high school degree from the Lycée d'Etat Estienne D'Orves, my focus having been Economic and Social Sciences.

I am an employee of the Patent Agent Firm Modiano & Associati of Milan, Italy, hereinafter simply Modiano firm, since 2001, and am among other tasks assigned to handle the administrative work of the prosecution of foreign i.e. non Italian patent applications, including the administrative work of prosecution of pending US patent applications, such administrative work including the administrative handling of specific incoming mail regarding exclusively the prosecution of non Italian, i.e. among others, US patent applications, I receive from the head of the general office, Mrs. Sara Modiano, handling the filing, but not the prosecution, of foreign, including US, patent applications.

My administrative work includes, among other tasks,

- 1) the identification, among the practitioners of the Modiano firm, the one who is going to handle on the merits the specific case;
- 2) the insertion of the time limits of an Office Action, if any, found in the papers of the specific case of the incoming mail, in my calendered note book and also marking on the front page of the papers of the specific case the said time limit;
- 3) handing over to the identified practitioner the papers of the said specific case and requesting the practitioner to check if the time limit I have marked is correct;
- 4) the time limits of each specific case entered in my calendered not book are all recorded in my computer and at any time I am in a position to open the computer file of my calendered note book to check the time limit situation;

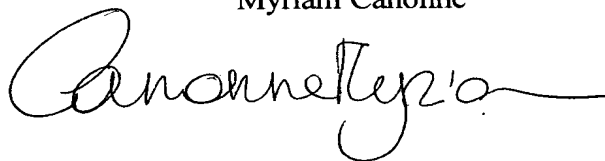
- 5) when the work of the specific case is done a marking is indicated in my calendered note book and in the computer file confirming that the work has been done and the time limit observed.

In the present above identified case, when I received from the head of the general office, Mrs Sara Modiano, the Noticed of Abandonment dated 01.25.2008 of the above identified application, I contacted with my computer the website of the USPTO in order to understand what Office letter was mailed on 10.24.2007 as cited in the Notice of Abandonment and to download such Office letter from the Public Patent Application Information Retrieval, as it appears from the herewith enclosed EXHIBIT (A), where the date of 02.07.2008 appears as a confirmation that the download was effected on that date.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Milan, March 13, 2008

Myriam Canonne

A handwritten signature in black ink, appearing to read 'Canonnetto', with a long horizontal flourish extending to the right.

**EXHIBIT B**

✓ 34283 - IZURA ~~STANONI~~ 12.02  
Diciembre Décembre Dezember Dicembre

- ✓ 3243 - SANTONI - GINA - REFF.
- ✓ 32802 - SANTONI - GINA - REFF.
- ✓ 3054 - BEARNINETO - DE - REFF.
- ✓ 30153 - BAVELONI - JAP - REFF.
- ✓ 30168 - ILLY - ARG. - REFF.
- ✓ 30166 - ILLY - ARG. - REFF.
- ✓ 30170 - ILLY - ARG. - REFF.
- ✓ 30123 - SUB CHENIC - GINA - REFF.
- ✓ 30211 - ILLY - ARG. - REFF.
- ✓ 30280 - SANTONI - JAP - REFF.
- ✓ 30446 - SANTONI - GINA - REFF.

- ✓ 3366 - leader pumps - GINA - REFF.
- ✓ 36855 - MACROCHIP - EPO - REFF.
- ✓ 3368 - HOLDINGS ~~REFF.~~
- ✓ 33922 - STANONI - JAP - REFF.
- ✓ 33521 - LABO - RE - REFF.
- ✓ 33510 - LABO - RUSSIA - REFF.
- ✓ 33518 - LABO - JAP - REFF.
- ✓ 33632 - FABUTEX - GINA - REFF.
- ✓ 30065 - MAIN GROUP - JAP - REFF.

EXHIBIT C

Diciembre Décembre Dezember Dicembre

- ✓ 39083 - SANTONI - JAP - REFF.
- ✓ 3092 - NICOLINI - USA - Appello
- ✓ 30166 - BAVELONI - TAIWAN - REFF.
- ✓ 30156 - BAVELONI - TAIWAN - REFF.
- ✓ 30163 - ILLY - TW - REFF.
- ✓ 30165 - ILLY - TW - REFF.
- ✓ 30169 - ILLY - TW - REFF.
- ✓ 30167 - ILLY - TW - REFF.
- ✓ 33683 - COMPES - GINA - REFF.

- ✓ 30404 - ILLY - EPO - REFF.
- ✓ 33301 - SANTONI - USA - Issue fee
- ✓ 32613 - ILLY CAFE - INDIA - REFF.
- ✓ 32623 - ILLY CAFE - INDIA - REFF.
- ✓ 32650 - F.B. SYSTEM - JAP - REFF.
- ✓ 34110 - CLAM - JAP - REFF.
- ✓ 34056 - ANTONI - JAP - demand + w (dal 2004)
- ✓ 33780 - LONATI - JAP - demand + w (dal 2004)

3424 - ~~STANONI~~ - JAP - REFF.

EXHIBIT D

24 DIC. 2007

~~43368~~ ✓ ~~Leader~~ ~~Pimp~~ ~~CN~~ ~~Reg.~~ ~~Arms~~ ~~for out~~  
 ✓ G1065 ✓ MAIN GROUP CORP. PG Search + WO met.  
 ✓ G3521 ✓ LABO COSPIOPHAR BR Res. U.S.T.  
~~G3632~~ ✓ ~~LABATEX~~ ~~Oke~~ ~~Accumulated for~~ ~~1-10 UA~~  
 ✓ G3518 ✓ LABO COSPIOPHAR JAP Res. U.S.T.  
 ✓ G3520 ✓ LABO COSPIOPHAR AUS Res. U.S.T.  
 ✓ 3922 ✓ STRAUMANN JAP Res. U.S.T.  
~~40494~~ ~~Quini~~ ~~Altri~~ ~~USA~~ ~~C.O.~~ ~~1° mese~~  
 40331 ~~PASSATA~~ ~~AD~~ ~~ALTRI~~ ~~USA~~ ~~C.O.~~ ~~2° mese~~  
~~MEL 39784~~ ~~Pol~~ ~~USA~~ ~~C.O.~~ ~~3° mese~~ ~~(promotibile)~~  
~~+ disegni~~ ~~(4 mesi)~~

**TUTTOCONSUMATORI**

IL PORTALE DEL CONSUMITORE NAZIONALE E DEI CONSUMATORI E DEGLI UTENTI

- Acquisto
- Consumo
- Assistenza
- Assicurazioni
- Banche
- Carichi
- Casa
- Lavoro
- Comunicazione
- Informazione
- Giustizia
- Diritti
- Pubblica Amministrazione
- Istruzione
- Servizi Pubblici
- Servizi Sociali
- Viaggiare
- Salute
- Sanità
- Rapporti
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- Trasporti
- Turismo
- Utile Note
- Raccomandazioni
- Responsabilità
- Contratti
- Fondi ICSI

EXHIBIT E

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Ritardi nella consegna della posta. Le reazioni dei Consumatori

## Pubblica Amministrazione - Servizi Pubblici

Centinaia di tonnellate di lettere arretrate sono ferme nei depositi delle Poste Italiane da molto tempo. Lo rivelano alcuni organi di stampa. Secondo i sindacati, la causa dei ritardi è il fallimento della riorganizzazione dei servizi postali dell'azienda.

Il **Codici** invita i cittadini vittime dei disservizi di Poste Italiane ad avviare una class action. "E' inammissibile - dichiara Ivano Giacomelli, segretario nazionale del Codici - che per settimane la posta non venga recapitata ai cittadini". "Oltre a non ricevere la corrispondenza, spiega Giacomelli, i cittadini sono costretti a pagare more a causa della mancata consegna delle bollette".

Anche **Adusbef** e **Federconsumatori** stanno valutando la possibilità di intentare una class action contro le Poste ma, spiegano, non è ancora chiaro se tale azione si possa intraprendere contro "una Spa di capitale pubblico". Intanto le due associazioni hanno chiesto un confronto con l'azienda sulla gestione e le carenze dei servizi postali.

Il **Codacons** ha chiesto la sospensione dello sciopero dei postini previsto dal 28 gennaio al 26 febbraio e di qualunque forma di protesta, "almeno fino a quando non sarà recuperata e consegnata ai consumatori tutta la posta in giacenza. Altrimenti potrebbe essere ipotizzato il reato di interruzione di pubblico servizio".

L'associazione dichiara di condividere le ragioni della protesta dei postini e chiede a Poste Italiane di rivedere i propri piani aziendali ormai chiaramente tesi a potenziare i servizi finanziari e assicurativi a scapito di quelli postali.

Il **Codacons** chiede, infine, una revisione della Carta della qualità dei prodotti postali: attualmente, spiega l'associazione, "nessun rimborso è previsto per ritardi nella consegna della posta tradizionale, anche se si tratta di fatture. Inoltre solo il mittente, non il destinatario, può agire per chiedere un rimborso".

L'**Adoc** propone "l'adozione di un sistema di tracciatura per evitare che gli eventuali ritardi nella consegna di bollette, fatture e pacchi non ricadano sulle tasche dei cittadini. In questo modo, spiega Carlo Pileri, presidente dell'Adoc, si potrebbe facilmente individuare chi non ha rispettato i tempi durante la trasmissione del prodotto ed agire di conseguenza.

Fonti: Adoc, Federconsumatori, Codacons, Codici

22 Gennaio 2008 - 18:15



## Partial translation

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### Public Administration – Public Services

Hundreds of tons of outstanding letters have been stuck for a long time in the warehouses of the Italian Post Authority. This has been revealed by several press organs. According to the trade unions, the reason for the delays is the failure in reorganizing the company's postal services.

**Codici** invites the citizens that are victims of the lack of service of the Italian Post Authority to file a class action lawsuit. “It is inadmissible - declares Ivano Giacomelli, national secretary of **Codici** - that the post is not delivered for weeks to the citizens”. “Besides not receiving the correspondence, Giacomelli explains, the citizens are obliged to pay more due to the failure in delivering the bills”.

**Adusbef and Federconsumatori** are also evaluating the possibility of bringing a class action lawsuit against the Post Authority, but it is not yet clear, they explain, if such an action could be brought against a “state-owned Plc (or) JSC”. In the meantime both associations have requested a meeting with the company about the management and the deficiencies of the postal services.

**Cadacons** has requested the suspension of the expected postmen strike from January 28 to February 26 and of any form of protest, “at least until the entire post awaiting delivery has not been restored and delivered to the consumers. Otherwise the offense of public service interruption could be assumed”.

The association declares to share the reasons for the postmens' protest and asks the Italian Post Authority to re-assess its business plans which are meanwhile clearly aimed at potentiating the financial and insurance services to the detriment of the postal ones.

OMISSIS

Sources: Adoc, Federconsumatori, Codacons, Codici (consumer associations - note of the translator)

January 22, 2008 – 18.15